

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:12-cv-00004-KM-MAH**

BISHOP v. THE OFFICE OF PERSONNEL MANAGEMENT
et al
Assigned to: Judge Kevin McNulty
Referred to: Magistrate Judge Michael A. Hammer
Cause: 05:552 Freedom of Information Act

Date Filed: 01/03/2012
Date Terminated: 09/11/2012
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**PAUL J. BISHOP**

represented by **PAUL J. BISHOP**
22 SUNNYSIDE LANE
HILLSBOROUGH, NJ 08844
PRO SE

V.

Defendant**THE OFFICE OF PERSONNEL
MANAGEMENT**

represented by **DANIEL SHAY KIRSCHBAUM**
OFFICE OF THE U.S. ATTORNEY
970 BROAD STREET
SUITE 700
NEWARK, NJ 07102
973-645-2842
Email: daniel.kirschbaum@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**THE DEPARTMENT OF
HOMELAND SECURITY**

represented by **DANIEL SHAY KIRSCHBAUM**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/03/2012	<u>1</u>	COMPLAINT against THE DEPARTMENT OF HOMELAND SECURITY, THE OFFICE OF PERSONNEL MANAGEMENT (Filing fee \$ 350 receipt number TRE017804.) JURY DEMAND., filed by PAUL J. BISHOP. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Envelope)(jjc) (Entered: 01/03/2012)
01/03/2012	<u>2</u>	SUMMONS ISSUED as to THE DEPARTMENT OF HOMELAND SECURITY, THE OFFICE OF PERSONNEL MANAGEMENT with answer to complaint due within 60 days. Summonses mailed to Pltf 1/3/2012 (jjc) (Entered: 01/03/2012)
01/09/2012	<u>3</u>	NOTICE of Appearance by DANIEL SHAY KIRSCHBAUM on behalf of All Defendants (KIRSCHBAUM, DANIEL) (Entered: 01/09/2012)
01/18/2012	<u>4</u>	COURT LETTER from Chief Judge to Parties regarding reallocation and reassignment from Trenton to Newark. (Hon. Jerome B. Simandle, Chief Judge). (jo,) (Entered: 01/18/2012)
01/25/2012	<u>5</u>	Letter from Plaintiff re <u>4</u> Court Letter dated January 18, 2012. (jo,) (Entered: 01/26/2012)
01/27/2012	<u>6</u>	ORDER OF REALLOCATION AND REASSIGNMENT: The above entitled action is reallocated from Trenton to Newark, and reassigned from Judge Pisano to Judge Martini. Signed by Chief Judge Jerome B. Simandle on 1/27/2012. (gxh) (Entered: 01/27/2012)

03/02/2012	<u>7</u>	BRIEF in support of Motion for Injunction against deft., by PAUL J. BISHOP (DD,) (Entered: 03/06/2012)
03/06/2012	<u>8</u>	Letter from Defendants in opposition re <u>7</u> Brief. (KIRSCHBAUM, DANIEL) (Entered: 03/06/2012)
03/09/2012	<u>9</u>	Application and Proposed Order for Clerk's Order to extend time to answer as to Defendants Office of Personnel Management and Department of Homeland Security.. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service)(KIRSCHBAUM, DANIEL) (Entered: 03/09/2012)
03/12/2012		Clerk's Text Order – The document <u>9</u> Application for Clerk's Order to Ext Answer/Proposed Order, submitted by THE DEPARTMENT OF HOMELAND SECURITY, THE OFFICE OF PERSONNEL MANAGEMENT has been GRANTED. The answer due date has been set for 3/23/12. (DD,) (Entered: 03/12/2012)
03/23/2012	<u>10</u>	MOTION to Dismiss <i>the Complaint for failure to state a claim and/or lack of subject matter jurisdiction</i> by THE DEPARTMENT OF HOMELAND SECURITY, THE OFFICE OF PERSONNEL MANAGEMENT. Responses due by 4/23/2012 (Attachments: # <u>1</u> Brief, # <u>2</u> Declaration of Becky Ronayne and supporting exhibits, # <u>3</u> Declaration of Craig Sahl and supporting exhibits, # <u>4</u> Declaration of Shari Suzuki, # <u>5</u> Declaration of Ryan Witt, # <u>6</u> Text of Proposed Order, # <u>7</u> Certificate of Service)(KIRSCHBAUM, DANIEL) (Entered: 03/23/2012)
03/26/2012		Set Deadlines as to <u>10</u> MOTION to Dismiss <i>the Complaint for failure to state a claim and/or lack of subject matter jurisdiction</i> . Motion set for 4/16/2012 before Judge William J. Martini. The motion will be decided on the papers. No appearances required unless notified by the court. (DD,) (Entered: 03/26/2012)
03/30/2012	<u>11</u>	Letter from PAUL J. BISHOP to reset re <u>10</u> MOTION to Dismiss <i>the Complaint for failure to state a claim and/or lack of subject matter jurisdiction</i> to 5/7/12 (DD,) (Entered: 04/02/2012)
04/03/2012		Set Deadlines as to <u>10</u> MOTION to Dismiss <i>the Complaint for failure to state a claim and/or lack of subject matter jurisdiction</i> . Responses due by 4/23/2012 Replies due by 4/30/2012. Motion set for 5/7/2012 before Judge William J. Martini. The motion will be decided on the papers. No appearances required unless notified by the court. (gh,) (Entered: 04/03/2012)
04/23/2012	<u>12</u>	DECLARATION of PAUL J. BISHOP in opposition to re <u>10</u> MOTION to Dismiss <i>the Complaint for failure to state a claim and/or lack of subject matter jurisdiction</i> . (Attachments: # <u>1</u> Brief in support)(DD,) (Entered: 04/23/2012)
06/04/2012	<u>13</u>	APPLICATION/PETITION for Summary Judgment by PAUL J. BISHOP. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Certificate of Service, # <u>3</u> Cover ltr.)(DD,) (Entered: 06/04/2012)
06/26/2012	<u>14</u>	Letter from PAUL J. BISHOP w/attached decl. re <u>13</u> Application/Petition for Summary Judgment. (DD,) (Entered: 07/02/2012)
08/01/2012	<u>15</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Kevin McNulty for all further proceedings. Judge William J. Martini no longer assigned to case. Signed by Chief Judge Jerome B. Simandle on 8/1/12. (mfr) (Entered: 08/01/2012)
08/21/2012	<u>16</u>	LETTER ORDER: Initial Scheduling Conference set for 10/26/2012 at 12:30 p.m. before Magistrate Judge Michael A. Hammer. So Ordered by Magistrate Judge Michael A. Hammer on 8/21/2012. (jqb) (Entered: 08/21/2012)
08/29/2012	<u>17</u>	Certified Mail Receipt Returned sent to PAUL J. BISHOP re <u>16</u> Order, Set Hearings, Set/Clear Flags (DD,) (Entered: 08/31/2012)
09/05/2012	<u>18</u>	Letter from Defendants in response to Letter Order of August 21, 2012 (Docket No. 16), informing the Court that Defendants have previously filed a motion to dismiss this action that is still sub judice, and respectfully requesting that all discovery be stayed until that motion is decided. (KIRSCHBAUM, DANIEL) (Entered: 09/05/2012)

09/07/2012	<u>19</u>	ORDER ON INFORMAL APPLICATION: that discovery shall not proceed until the Court rules on the pending motions, &that w/in 10 days of the resolution of the pending motion to dismiss or the application for summary judgment, the parties shall notify the Court on the electronic docket and provide an updated joint discovery plan. Signed by Magistrate Judge Michael A. Hammer on 9/7/12. (sr,) Modified on 9/10/2012 (jqb). (Entered: 09/07/2012)
09/10/2012	<u>20</u>	OPINION. Signed by Judge Kevin McNulty on 9/10/12. (DD,) (Entered: 09/11/2012)
09/11/2012	<u>21</u>	ORDER granting <u>10</u> Motion to Dismiss for lack of subj. matter jurisdiction ***CIVIL CASE TERMINATED. Signed by Judge Kevin McNulty on 9/10/12. (DD,) (Entered: 09/11/2012)